

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

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**CARMEN PONDER,**

**Plaintiff,**

**v.**

**THE CITY OF COMMERCE, TEXAS, et al.**

**Defendants.**

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: **Civil Action No. 3:19-cv-01205-C**  
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**UNOPPOSED MOTION TO WITHDRAW AS COUNSEL**

Counsel S. Lee Merritt, Esq. and John J. Coyle, Esq. hereby move this Honorable Court for leave to withdraw as counsel and in support thereof, aver as follows:

1. On May 20, 2019, Plaintiff filed a complaint in this matter asserting a violation of her constitutional rights. (ECF No. 1.)
2. On July 23, 2019, Plaintiff filed an Amended Complaint making similar allegations. (ECF No. 14.)
3. On September 10, 2019, Defendant Kerry Crews filed a Motion for Summary Judgment arguing that he was entitled to qualified immunity. (ECF No. 30)
4. Plaintiff filed a response in opposition. (ECF No. 34)
5. On February 12, 2020, the Court granted Defendant Crews' Motion and entered partial judgement pursuant to Rule 54(b). (ECF Nos. 37-38)
6. Following the Court's ruling, undersigned counsel advised Plaintiff of her appellate right. Undersigned counsel informed Plaintiff of potential issues with her appeal and reminded Plaintiff that the agreement covering her representation did not cover appeals.

7. Plaintiff indicated to undersigned counsel that she wished to appeal the Court's decision and that she would retain substitute counsel.

8. Based upon this representation by Plaintiff, on March 13, 2020, undersigned counsel filed a Notice of Appeal in order to preserve Plaintiff's appellate rights. (ECF No. 39)

9. Since that time, Plaintiff has become unresponsive.

10. On April 10, 2020, undersigned counsel sent a letter via certified mail to Plaintiff informing her of the filing of this motion and enclosing a copy, along with the briefing schedule set forth by the Fifth Circuit relating to her appeal.

11. Counsel S. Lee Merritt, Esq. and John J. Coyle, Esq. now seek leave of the Court to Withdraw as Counsel.

12. Opposing counsel has indicated the Motion to Withdraw is unopposed.

Wherefore, for the reasons cited herein, S. Lee Merritt, Esq. and John J. Coyle, Esq. hereby seek leave of the Court to withdraw as counsel.

Respectfully submitted,

/s/ S. Lee Merritt  
S. Lee Merritt, Esq.  
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Date: April 10, 2020

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**CERTIFICATE OF CONFERENCE**

I, John J. Coyle, certify that I have conferred with Joe Tooley, Esq. and Jim Jeffrey, Esq., counsel for Defendants and that opposing counsel do not oppose this Motion.

/s/ John J. Coyle  
John J. Coyle, Esq.

Date: April 10, 2020

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**CERTIFICATE OF SERVICE**

I, S. Lee Merritt, hereby certify that the foregoing Plaintiff's Unopposed Motion to Withdraw as Counsel was filed via the Court's electronic filing system and thereby served upon all parties of record. Additionally, the Motion was mailed via certified mail to the below address:

Carmen Ponder  
9112 High Plane Lane  
Dallas, TX 75249  
*Plaintiff*

\_\_\_\_\_  
/s/ S. Lee Merritt  
S. Lee Merritt, Esq.

Date: April 10, 2020